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May 19, 2020

Hon. Katherine Polk Failla  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

Failla\_NYSDChambers@nysd.uscourts.gov

VIA ECF & EMAIL

Re: Ricatto v. M3 Innovations Unlimited Inc.,  
No. 1:18-cv-8404-KPF

Your Honor,

I represent the Defendants in this case.

On behalf of all parties, pursuant to Rules 2.C and D of the Court's individual rules, and pursuant to the Case Management Plan, (the "CMO") (ECF Doc. 48 at 7 ), I write to request extension on consent of the following interim case deadlines:

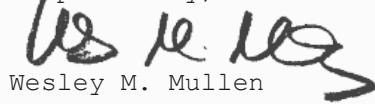
Deadline	Original Date	Proposed New Date
All fact discovery (CMO ¶ 7.e)	May 15, 2020	September 14, 2020
All expert discovery (CMO ¶ 7.f)	June 30, 2020	October 30, 2020

The parties also jointly request that the pretrial conference scheduled for May 26, 2020, (see CMO at 7), be adjourned to a date after the new fact discovery deadline.

There has been no prior request to extend these dates. The reason for the request is that the parties' affairs have been disrupted by the COVID crisis, and those disruptions have resulted in substantial delays in document discovery. We are hopeful that an extension of the fact discovery deadline to September will make in-person depositions possible; furthermore, counsel for all parties have personal obligations in August that make an August discovery deadline impractical.

Mr. Cohen, counsel for Plaintiff, consents. I thank the Court for its attention to this request.

Respectfully,

  
Wesley M. Mullen

cc: Mr. Jeffrey Cohen, Esq. (via email and CM/ECF)

The Court notes that fact discovery was scheduled to close on May 15, 2020. (Dkt. #48). On May 19, 2020, four days after the close of fact discovery, the parties submitted this application for an extension of that deadline, as well as the deadline for expert discovery. (Dkt. #61). In the future, the parties are directed to bring discovery issues to the Court's attention before discovery deadlines have expired. Nevertheless, in light of the COVID-19 pandemic, the parties application is GRANTED. Fact discovery shall conclude on or before September 14, 2020, and expert discovery shall conclude on or before October 30, 2020. No further extensions will be granted.

The pretrial conference currently scheduled for May 26, 2020, is hereby ADJOURNED to September 29, 2020, at 2:30 p.m. in Courtroom 618 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York.

Dated: May 20, 2020  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE